No. 959 *Registered No. N. E. 930.*

TRIPURA GAZETTE

Published by Authority
EXTRAORDINARY ISSUE

Agartala, Tuesday, October 09, 2018 A. D., Asvina 17, 1940 S. E.

PART—IA--Orders and Notifications by the Government of India, Statutory Notifications of the Election Commission of India and other Election Notifications published for General Information, orders and Notifications which have originally been published in the "Gazette of India" are only re published.

Government of India
Ministry of Law and Justice
Legislative Department

No.2 (13)/18-Leg.I New Delhi, the 20th September, 2018

To

The Law Secretaries to all the State Governments.

Subject: The Muslim Women (Protection of Rights on Marriage) Ordinance, 2018 (7 of 2018) – for re-publication in the State Gazette.

Sir,

I am directed to state that the afore mentioned Ordinance has been promulgated by the President on 19th September, 2018 and published in the Gazette of India, Extraordinary, Part-II, Section 1, dated 19th September, 2018, which is available on the official website @ www.egazette.nic.in. It is requested that the same may be downloaded and re-published in the State Gazette for general information.

2. The receipt of this letter with its enclosures may kindly be acknowledged.

Yours faithfully,

Gangesh Kumar 20/09/18
(GANGESH KUMAR)
for Secretary to the Govt. of India.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 19th September, 2018/*Bhadra* 28, 1940 (*Saka*)

THE MUSLIM WOMEN (PROTECTION OF RIGHTS ON MARRIAGE) ORDINANCE, 2018

No. 7 OF 2018

Promulgated by the President in the Sixty-ninth Year of the Republic of India.

An Ordinance to protect the rights of married Muslim women and to prohibit divorce by pronouncing *talaq* by their husbands and for matters connected therewith or incidental thereto;

WHEREAS the Muslim Women (Protection of Rights on Marriage) Bill, 2017 has been passed by the House of the People and is pending in the Council of States;

AND WHEREAS inspite of the fact that the Supreme Court has held in the matter of Shayara Bano *Versus* Union of India and others [Writ Petition (Civil) No. 118 of 2016] and other connected matters that the practice of *triple talaq* (*talaq-e-biddat)* as unconstitutional, the said practice is still continuing unabated;

AND WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action to give effect to the provisions of the said Bill with certain modifications;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

CHAPTER I
PRELIMINARY

Short title, extent and commencement.

1. (*1*) This Ordinance may be called the Muslim Women (Protection of Rights on Marriage) Ordinance, 2018.

(*2*) It shall extend to the whole of India except the State of Jammu and Kashmir.

(*3*) It shall come into force at once.

Definitions.

2. In this Ordinance, unless the context otherwise requires,—

(*a*) "electronic form" shall have the same meaning as assigned to it in clause *(r)* of sub-section (*1*) of section 2 of the Information Technology Act, 2000; 21 of 2000.

(*b*) "*talaq*" means *talaq-e-biddat* or any other similar form of *talaq* having the effect of instantaneous

and irrevocable divorce pronounced by a Muslim husband; and

(c) "Magistrate" means a Judicial Magistrate of the First Class exercising jurisdiction under the Code of Criminal Procedure, 1973, in the area where the married Muslim woman resides.

2 of 1974.

CHAPTER II

DECLARATION OF *TALAQ* TO BE *VOID* AND ILLEGAL

Talaq to be *void* and illegal.

3. Any pronouncement of *talaq* by a Muslim husband upon his wife, by words, either spoken or written or in electronic form or in any other manner whatsoever, shall be *void* and illegal.

Punishment for pronouncing *talaq*.

4. Any Muslim husband who pronounces *talaq* referred to in section 3 upon his wife shall be punished with imprisonment for a term which may extend to three years, and shall also be liable to fine.

CHAPTER III

PROTECTION OF RIGHTS OF MARRIED MUSLIM WOMEN

Subsistence allowance.

5. Without prejudice to the generality of the provisions contained in any other law for the time being in force, a married Muslim woman upon whom *talaq* is pronounced shall be entitled to receive from her husband such amount of subsistence allowance for her and dependent children as may be determined by the Magistrate.

Custody of minor children.

6. Notwithstanding anything contained in any other law for the time being in force, a married Muslim woman shall be entitled to custody of her minor children in the

event of pronouncement of *talaq* by her husband, in such manner as may be determined by the Magistrate.

Offence to be cognizable, compoundable, etc.

7. Notwithstanding anything contained in the Code of Criminal Procedure, 1973,— 2 of 1974

(a) an offence punishable under this Ordinance shall be cognizable, if information relating to the commission of the offence is given to an officer in charge of a police station by the married Muslim woman upon whom *talaq* is pronounced or any person related to her by blood or marriage;

(b) an offence punishable under this Ordinance shall be compoundable, at the instance of the married Muslim woman upon whom *talaq* is pronounced with the permission of the Magistrate, on such terms and conditions as he may determine;

(c) no person accused of an offence punishable under this Ordinance shall be released on bail unless the Magistrate, on an application filed by the accused and after hearing the married Muslim woman upon whom *talaq* is pronounced, is satisfied that there are reasonable grounds for granting bail to such person.

RAM NATH KOVIND,
President.

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.